

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Gerardo GUZMAN-Chavez,

Defendant

Magistrate Docket No.


**COMPLAINT FOR VIOLATION OF:**

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States


The undersigned complainant, being duly sworn, states:

On or about **February 3, 2008** within the Southern District of California, defendant, **Gerardo GUZMAN-Chavez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **4th** DAY OF **February 2008**

  
Ruben B. Brooks  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:  
Gerardo GUZMAN-Chavez**

**PROBABLE CAUSE STATEMENT**

On February 3, 2008, at approximately 12:10 P.M., Border Patrol Agent M. West was performing uniformed line watch duties near an area known as "Coral Gates". This area is approximately one and a half miles west of the San Ysidro, California Port of Entry and is approximately 600 yards north of the International Boundary Fence.

Agent West responded to Coral Gates to follow up on a citizen's report of possible illegal aliens in the area. Agent West observed two males running down a street. Upon approaching the two males, including one later identified as the defendant **Gerardo GUZMAN-Chavez** attempted to abscond, but gave up after a brief run. Agent West identified himself as a United States Border Patrol Agent and questioned the two males, including the defendant, as to their country of citizenship and nationality. Both males, including the defendant, admitted to being citizens and nationals of Mexico illegally present in the United States. Both males, including the defendant, also admitted that they were not in possession of any immigration documents that would permit them to enter or remain in the United States legally. At approximately 12:15 P.M., Agent West arrested the defendant and the other alien and had them transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on or about **July 19, 2007** through **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.